

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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MAY - 1 2009
AT 8:30 AM
WILLIAM T. WALSH M
CLERK

UNITED STATES OF AMERICA

: Hon. Tonianne Bongiovanni

v.

: Mag. No. 08-1139 (JJH)

ARIEL DAGOBERTO APONTE FRIAS

: ORDER FOR CONTINUANCE

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (Patrick C. Askin, Assistant U.S. Attorney, appearing), and defendant ARIEL DAGOBERTO APONTE FRIAS. (by and through his attorney, Francisco A. Knipping-Diaz, Esq.), for an order granting a continuance of the proceedings in the above-captioned matter from May 1, 2009 through June 30, 2009 to allow the parties to continue pre-indictment negotiations, obtain and review relevant evidence, and if possible, attempt to reach a plea agreement, and the defendant being aware that he has the right to have the matter submitted to a grand jury within thirty days of the date of arrest pursuant to Title 18, United States Code, Section 3161(b), and the defendant having consented to the continuance and waived such right, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

- (1) The defendant is represented by Francisco A. Knipping-Diaz, Esquire.
- (2) Pre-indictment negotiations are currently in progress, and both the United States and the defendant desire additional time to receive and review relevant evidence and if possible, negotiate a plea agreement, which would render any grand jury proceedings and any

subsequent trial of this matter unnecessary. There have been two previous continuances jointly entered into by the parties and approved by the Court.

(3) The defendant, through counsel, expressly consents to this continuance and to the exclusion of time under the Speedy Trial Act so that he may have additional time to negotiate an acceptable plea agreement with the government.

(4) Pursuant to Title 18, United States Code, Section 3161(h)(7)(A), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 1st day of May, 2009,

ORDERED that this action be, and hereby is, continued from May 1, 2009 through June 30, 2009; and it is further

ORDERED that the period from May 1, 2009 through June 30, 2009 shall be excludable in computing time under the Speedy Trial Act of 1974.

AS Seal

HON. TONI ANN BONGIOVANNI
United States Magistrate Judge
Douglas E. Arbery

PCW
PATRICK C. ASKIN, AUSA

FKD
FRANCISCA A. KNIPPING-DIAZ, ESQ.
Counsel for defendant,

4-29-09
DATE